

U.S. Serial No. 09/863,092
Amendment & Response dated October 10, 2003
Attorney Docket 7590.24US01

Remarks

Applicant has amended claims 1, 2, 9, 11, 16, and 18-21. Claims 1-3, 6-11 and 13-22 are pending. Reconsideration of the claims is requested.

Various claims have been amended to better define the inventive toy sleds. These amendments are fully supported by the application, including the figures, as originally filed.

Claim 1 has been amended to clarify that the body includes a handle, planar with and defined by the body. Claim 1 has also been amended to clarify that the wheeled item has a square base. Claim 2 has been amended to be consistent with the amendments to claim 1. Claim 9 has been amended to recite a second planar handle.

Claim 11 has been amended to clarify that the attachment mechanism receptacles are centrally located in the scooter engagement recesses, and that the body has a handle, planar with the body. Claim 16 has been amended to recite a second planar handle.

Claim 18 has been amended to clarify that the wheeled item has opposite handles. Claim 19 has been amended to recite that the sled body has first and second handles that are planar with the body. Claims 20 and 21 have been amended to recite that the wheeled item has opposite handles projecting therefrom.

Rejection Under 35 U.S.C. §112

Claims 11-17 were rejected under 35 U.S.C. 112, second paragraph. Claim 11 has been amended to correct the drafting error. Withdrawal of the rejection is requested.

Rejections Under 35 U.S.C. §102

Claims 1 and 6-8 were rejected under 35 U.S.C. §102(b) as anticipated by Lamson, U.S. Patent No. 4,458,906. Applicant disagree with this rejection.

Claim 1 has been amended to better clarify the invention. A toy sled, having a body and a wheeled item removably secured to the body is claimed. The body includes a handle defined

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by and planar with the body. The wheeled item has been more distinctly defined to have a square base.

There is no teaching in Lamson of having a handle defined by and planar with the body; Lamson has a handle perpendicular to, and removable from, the body. Further, there is no teaching in Lamson of having a wheeled item having a square base; Lamson teaches an elongate, rectangular wheeled item.

Claim 1 is not anticipated by Lamson, at least for the reasons provided above. Claims 6-8, which depend from claim 1 and incorporate all the elements of claim 1, are also not anticipated by Lamson. Applicant requests withdrawal of this rejection.

Rejections Under 35 U.S.C. §103

Claims 2, 18, 20, and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lamson, U.S. Patent No. 4,458,906. Claims 9 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lamson in view of Kratzenberg et al., U.S. Patent No. 6,276,471. Claims 10 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lamson in view of Bergsland, U.S. Patent No. 3,705,730. Claims 3, 11 and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lamson in view of Null et al., U.S. Patent No. 5,947,495. Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lamson in view of Null et al., and further in view of Kratzenberg et al. Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lamson in view of Null et al., and further in view of Bergsland.

Independent claim 1, discussed above, is the base, either directly or indirectly, for claims 2-3 and 9-10. Claim 1 is to a toy sled having a body, defining a planar handle, and a square wheeled item removably secured to the body. Claim 2 recites that the wheeled item is a floor scooter having four castor wheels. Claim 3 recites that there is a plurality of engagement recesses in the base of the body. Claim 9, as amended, recites a second handle planar with the body. Claim 10 recites the body having a connector and connector receptor.

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Claim 1, and its dependent claims 2-3 and 9-10, are patentable over the Lamson reference, either alone or combined with the various cited references, at least for the following reasons. None of Lamson, Kratzenberg et al., Bergsland, and Null et al. teaches a toy sled as recited in claim 1, having a body defining a planar handle, and a square wheeled item removably secured to the body, with the four wheels extending away from the body. Claims 2-3 and 9-10, which depend from claim 1 and incorporate all the elements of claim 1, are also patentable over Lamson and the other cited references, at least for the reason claim 1 is patentable. Applicant requests withdrawal of this rejection.

Independent claim 11 has been amended herein to better clarify the invention. In particular, the body of the toy sled includes a handle generally planar with the top surface and the bottom surface of the body. Additionally, the attachment mechanism receptacles are centrally positioned in the scooter engagement recesses in the bottom surface of the body. Claim 13 recites that the attachment mechanism is a bolt. Claim 14 recites a polymeric material, and claim 15 is that it is polyethylene. Claim 16, as now amended, recites a second planar handle. Claim 17 is directed to a connector and connector receptor.

Claim 11, and its dependent claims 13-17, are patentable over the Lamson reference, either alone or combined with the various cited references, at least for the following reasons. None of Lamson, Kratzenberg et al., Bergsland, and Null et al. teaches a toy sled as recited in claim 11, having a body generally planar with a handle, with the attachment mechanism receptacles centrally located in the scooter engagement recesses. Claims 13-17, which depend from claim 11 and incorporate all the elements of claim 11, are also patentable over Lamson and the other cited reference, at least for the reason claim 1 is patentable. Applicant requests withdrawal of this rejection.

Independent claim 18 has been amended herein to better clarify the invention. In particular, the body of the toy sled includes an engagement recess adapted for receiving at least one wheeled item that has handles. Claim 19 recites that the sled body has two handles planar to the body. Claim 20 recites that the body receives a square 12 inch scooter with opposite handles,

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and claim 21 recites that the body receives a square 16 inch scooter with opposite handles.
Claim 22 is directed to a connector and connector receptor.

Claim 18, and its dependent claims 19-22, are patentable over the Lamson reference, either alone or combined with the various cited references, at least for the following reasons. None of Lamson, Kratzenberg et al., Bergsland, and Null et al. teaches a wheeled item having opposing handles, much less a sled body configured to have that wheeled item removably attached thereto. Claims 19-22, which depend from claim 18 and incorporate all the elements of claim 18, are also patentable over Lamson and the other cited references, at least for the reason claim 1 is patentable. Applicant requests withdrawal of this rejection.

At least for these reasons, Applicant contends that the claims are not anticipated by and not obvious over Lamson and its combination with the other cited references, and that the claims are patentable. Withdrawal of these rejections is requested.

SUMMARY

Applicants submit that the claims are in proper form for allowance and respectfully request reconsideration and allowance thereof. A Notice of Allowance is requested.

The Examiner is invited to contact the undersigned representative if it will facilitate prosecution of this application.

Respectfully Submitted,

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OCT 14 2003

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Date: 10 October
2003

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